

House File 502 - Introduced

HOUSE FILE 502

BY ANDERSON

A BILL FOR

1 An Act prohibiting employers, employment agencies, landlords,
2 and realtors from seeking the criminal record or criminal
3 history from applicants under certain circumstances and
4 providing penalties.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 735.1 Definitions.

2 As used in this chapter:

3 1. "*Criminal record or criminal history*" means information
4 collected or possessed by any criminal justice agency or
5 judicial system in this state or in another jurisdiction,
6 including a federal, military, tribal, or foreign jurisdiction,
7 concerning individuals which information includes identifiable
8 descriptions and notations of arrests, detentions, indictments,
9 or other formal criminal charges, and any disposition arising
10 therefrom, including acquittal, deferred judgment, sentencing,
11 correctional supervision, release, or conviction, and any
12 sentence arising from a verdict or plea of guilty or nolo
13 contendere, including a sentence of incarceration, a suspended
14 sentence, a sentence of probation, or a sentence of conditional
15 discharge.

16 2. "*Employer*" means a person who in this state employs for
17 wages a natural person. "*Employer*" includes an agent of an
18 employer.

19 3. "*Employment agency*" means a person who, with or without
20 compensation, regularly brings together those desiring to
21 employ and those desiring employment. "*Employment agency*"
22 includes an agent of an employment agency.

23 4. "*Interview*" or "*meeting*" includes an interview or
24 meeting conducted by telephone or other means of electronic
25 communication.

26 5. "*Landlord*" means the owner, lessor, or sublessor of a
27 dwelling unit or the building of which it is a part. "*Landlord*"
28 includes an agent of a landlord.

29 6. "*Realtor*" means a person licensed as a real estate
30 broker, broker associate, or salesperson as defined in section
31 543B.3 or 543B.5. "*Realtor*" includes an agent of a realtor.

32 Sec. 2. NEW SECTION. 735.2 Criminal record or criminal
33 history — inquiry or required disclosure prohibited.

34 Unless otherwise specifically required by law:

35 1. An employer or employment agency shall not inquire

1 about or require disclosure of the criminal record or criminal
2 history of an applicant for employment until after the
3 applicant has been interviewed, but may do so before an offer
4 of employment is made.

5 2. A landlord shall not inquire about or require disclosure
6 of the criminal record or criminal history of a prospective
7 tenant until after a meeting with the prospective tenant has
8 been conducted, but may do so before an offer of tenancy is
9 made.

10 3. A realtor shall not inquire about or require disclosure
11 of the criminal record or criminal history of a prospective
12 buyer of real estate until after a meeting with the prospective
13 buyer has been conducted, but may do so before an offer of sale
14 is made.

15 Sec. 3. NEW SECTION. 735.3 **Penalty — injunctive relief.**

16 1. A person who violates section 735.2 commits a scheduled
17 violation under section 805.8C, subsection 11.

18 2. When a person commits or proposes to commit an act
19 in violation of section 735.2, an injunction may be granted
20 through an action in district court to prohibit the person from
21 continuing such acts. The action for injunctive relief may
22 be brought by an aggrieved person, a county attorney, or the
23 attorney general.

24 Sec. 4. Section 805.8C, Code 2017, is amended by adding the
25 following new subsection:

26 NEW SUBSECTION. 11. *Criminal record or criminal history*
27 *violations.* For violations of section 735.2, the scheduled fine
28 is five hundred dollars for a first violation, one thousand
29 dollars for a second violation, and two thousand dollars for a
30 third or subsequent violation.

31 EXPLANATION

32 The inclusion of this explanation does not constitute agreement with
33 the explanation's substance by the members of the general assembly.

34 This bill prohibits an employer or employment agency from
35 inquiring about or requiring disclosure of the criminal record

1 or criminal history of an applicant for employment until after
2 the applicant has been interviewed, but permits an employer or
3 employment agency to do so before an offer of employment is
4 made.

5 The bill prohibits a landlord from inquiring about or
6 requiring disclosure of the criminal record or criminal
7 history of a prospective tenant until after a meeting with the
8 prospective tenant has been conducted, but permits a landlord
9 to do so before an offer of tenancy is made.

10 The bill prohibits a realtor from inquiring about or
11 requiring disclosure of the criminal record or criminal history
12 of a prospective buyer of real estate until after a meeting
13 with the prospective buyer has been conducted, but permits a
14 realtor to do so before an offer of sale is made.

15 The penalty for a violation of the bill is a scheduled fine
16 of \$500 for a first violation, \$1,000 for a second violation,
17 and \$2,000 for a third or subsequent violation. Injunctive
18 relief for violations of the bill may be sought by an aggrieved
19 person, a county attorney, or the attorney general.